

SANTA CLARA COUNTY

Local Agency Formation Commission

MINUTES

WEDNESDAY, OCTOBER 10, 2001

1. ROLL CALL

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 10th day of October 2001 at 1:18 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California, with the following members present: Commissioners Donald Gage, Suzanne Jackson, Linda LeZotte, and Susan Vicklund Wilson. The LAFCO staff in attendance include Neelima Palacherla, LAFCO Executive Officer; Kathy Kretchmer, LAFCO Counsel; Coleen Oda, LAFCO Planner; Ginny Millar, LAFCO Surveyor; and Dunia Noel, LAFCO Analyst. Commissioner Blanca Alvarado arrives at 1:21 p.m. The meeting is called to order by Chairperson Gage and the following proceedings are had, to wit:

2. PUBLIC PRESENTATIONS

There are no public presentations.

3. APPROVE MINUTES OF AUGUST 8, 2001 MEETING

On motion of Commissioner LeZotte, seconded by Commissioner Wilson, it is ordered on a vote of 4-0 with Commissioner Alvarado absent and Commissioner Jackson abstaining, that the August 8, 2001 minutes be approved as submitted.

4. CONSENT CALENDAR

4.1 ANNEXATION TO THE WEST VALLEY SANITATION DISTRICT OF A 0.725 ACRE PROPERTY LOCATED ON 17520 HIGH STREET, LOS GATOS

Neelima Palacherla, LAFCO Executive Officer, directs attention to her report, dated August 27, 2001, recommending that the Commission approve the

annexation and waive protest proceedings. She proposes, however, that the staff recommendation be amended to include that approval be conditioned on submission of the correct maps and the legal description of the property by the applicant.

On motion of Commissioner Jackson, seconded by Commissioner Wilson, it is unanimously ordered that Resolution No. 01-11 be adopted approving the annexation to the West Sanitation District of a property located on 17520 High Street; waiving protest proceedings; and, approving the amended staff recommendation.

5. PUBLIC HEARING

5.1 OUT OF AGENCY EXTENSION OF SEWER SERVICES BY THE CITY OF MORGAN HILL TO 17110 COPPER HILL DRIVE

This being the time and place set for public hearing to consider a request for Out-of-Agency Extension of sewer service by the City of Morgan Hill to 17110 Copper Hill Drive, Chairperson Gage declares the hearing open.

(Commissioner Alvarado arrives at 1:21 p.m.)

Ms. Palacherla directs attention to her staff report, dated October 1, 2001, recommending approval of the request by the City of Morgan Hill to extend sewer services to 17110 Copper Hill Drive, Morgan Hill. She advises that the property is located outside the city limits and the Urban Service Area (USA). However, it is within the Sphere of Influence (SOI) of Morgan Hill. The parcel is in Holiday Lake Estates, located south of the Anderson Reservoir, which includes 200 parcels that remain unincorporated. She advises that while the application is not completely consistent with LAFCO policies for extending services beyond the boundaries of an agency, a letter from the County Department of Environmental Health Services indicates that the existing septic system has failed and can no longer be repaired. She further advises that it is

likely that more developed properties in the area will apply for extension of services due to failure of their septic tanks.

In response to an inquiry by Chairperson Gage, Ms. Palacherla advises that both conditions relating to a failing septic tank and its being irreparable must exist prior to approving an application.

Ms. Palacherla continues by advising that there is no impact on agricultural lands, and the project complies with the General Plan and policies of the City of Morgan Hill. She concludes by noting that the City of Morgan Hill is able to provide services to 17110 Copper Hill Drive.

In response to an inquiry by Commissioner Wilson, Terry Linder, Senior Planner, City of Morgan Hill, advises that there are existing city sewer lines along Copper Hill Drive and Holiday Drive. Commissioner Wilson emphasized the importance of LAFCO reviewing the proposed area during the service review for Morgan Hill because of the proximity of the septic tanks to Anderson Reservoir. Ms. Palacherla advises that direction from the Commission would allow the staff to review the proposed area at the time of service review and SOI update for Morgan Hill.

Chairperson Gage notes that sewer service extensions must be coordinated between the cities of Gilroy and Morgan Hill and South County Regional Wastewater Authority (SCRWA). Ms. Linder advises that the matter will be coordinated with SCRWA.

Receiving no further requests from the public to speak, the Chairperson orders that the hearing be closed.

On motion of Commissioner Alvarado, seconded by Commissioner Wilson, it is unanimously ordered that Resolution No. 01-12 be adopted, approving the request for extension of sewer service to 17110 Copper Hill Drive in the unincorporated area, within the SOI of the City of Morgan Hill. Further, it is unanimously ordered that the staff be directed to determine the location of the sewer lines and report in the next meeting; that the staff recommendation be approved; and, staff be directed to obtain information regarding city sewer lines

in the area and to review this area more closely at the time of Service Reviews and SOI update for Morgan Hill to resolve the ambiguities of service provision and the USA boundary in this area.

6. LAFCO ANNUAL REPORT

Ms. Palacherla directs attention to the 2000-2001 LAFCO Annual Report and provides a brief overview on the most significant LAFCO projects, particularly the implementation of Assembly Bill 2838 in January 2001. She advises that LAFCO adopted a budget that includes provisions for staff and resources to address the new responsibilities of LAFCO as mandated by the new law. She continues by advising that LAFCO has signed a Memorandum of Understanding with Santa Clara County for its staffing needs. She reports that the staff has established policies for lobbying and disclosure requirements, new noticing and filing requirements, and revised the procedures for reorganization proposals. Commissioner Jackson expresses appreciation to the Executive Officer and LAFCO staff for their work for the Commission.

On Commission consensus, it is ordered that the 2000-2001 Annual Report be approved.

7. UPDATE ON SERVICE REVIEW GUIDELINES

In response to an inquiry by Commissioner Jackson, Ms. Palacherla advises that staff will coordinate with cities during the preparation of the guidelines for the service reviews.

8. EXECUTIVE DIRECTOR'S REPORT

A. New LAFCO Staff

Ms. Palacherla introduces Dunia Noel, the new LAFCO Analyst who will begin employment on October 15, and provides an overview of her background, particularly her experience on agricultural conservation, open space preservation and housing issues. She also reports that Emmanuel Abello will be the full-time LAFCO Clerk. Ms. Palacherla notes that Mr. Abello has been with LAFCO for

two months and comments on his background and experience. Ms. Palacherla additionally expresses appreciation to Ruth Marston, former LAFCO Clerk, for her services to LAFCO.

B. 2001 CALAFCO Annual Conference

On motion of Commissioner Jackson, seconded by Commissioner Wilson, it is unanimously ordered that the travel expenses be authorized for LAFCO staff to attend the 2001 CALAFCO Conference be authorized.

Ms. Palacherla announces that she will present information at the CALAFCO roundtable regarding issues that the Commissioners desire to raise.

C. Santa Clara County and Cities Boundaries Map

Ms. Palacherla reports that LAFCO has worked with the County Planning Office to update the Santa Clara County and Cities map. She notes that since the maps did not arrive in time for the meeting, these will be mailed out to the Commissioners. In response to the inquiry of Commissioner LeZotte, Ms. Palacherla explains that the maps will be mailed to various agencies and to all cities in the County.

D. Update on Payments to LAFCO from Cities

Ms. Palacherla directs attention to her report relating to the payments to LAFCO from the cities. In response to an inquiry by Chairperson Gage, Ms. Palacherla advises that the Auditor's office will send out reminder notices to the cities that have not yet paid. Chairperson Gage requests that Ms. Palacherla provide an update on the payments at the next LAFCO meeting.

E. LAFCO Legislative Report

Ms. Palacherla directs attention to the staff report on legislation of interest to the Commission, AB 720 which includes the cross-referencing and clean-up language on AB 2838, and Senate Bill 23xx (Soto) relating to public power districts.

9. WRITTEN CORRESPONDENCE

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Ms. Palacherla notes that a letter from Richard Blanchard of the San Antonio Hills Homeowners Association requests LAFCO to stop an annexation being undertaken by the Town of Los Altos Hills. Ms. Palacherla comments that the annexation of this area, whose residents are represented in the meeting by Alan Epstein, is feasible because it is within the SOI and USA boundaries of Los Altos Hills. Ms. Palacherla further advises that San Antonio Hills wants to stop this annexation until such time that San Antonio Hills is also ready to be annexed, so both areas can be annexed to the Town of Los Altos Hills at the same time. Ms. Palacherla further notes that since San Antonio Hills is located in the SOI of the City of Los Altos, it cannot be annexed to Los Altos Hills without first being removed from the SOI of the City of Los Altos.

In response to the inquiry of Commissioner Jackson, Ms. Palacherla notes that LAFCO cannot act on the request because it has no authority to stop the annexation initiated by the Town of Los Altos Hills since the area being annexed is within its USA. Mr. Epstein requests that LAFCO not stop the ongoing annexation because of the time and resources already expended to it by the residents, and Chairperson Gage indicates that LAFCO will not interfere in the matter.

10. ADJOURNMENT

On the order of the Chairperson, there being no objection, the meeting is adjourned at 1:44 p.m. to the next regular meeting to be held on Wednesday, December 12, 2001 at 1:15 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

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Donald F. Gage, Chairperson
Local Agency Formation Commission

ATTEST:

Emmanuel Abello, LAFCO Clerk